

REMARKS

Reconsideration of the application, as amended, is respectfully requested.

The claims have been amended to incorporate the subject matter of claims 2 and 8.

Claims 1-3, 7-8, 14 and 17 were rejected under 35 U.S.C. 102(b) as being anticipated by Appel et al., U.S. Patent 6,025,320. Appel et al. disclose a non-spray-dried particulate detergent composition which contains a builder polymer and/or a soil-release polymer. The polymer is incorporated in the form of a non-aqueous premix of the polymer with a non-aqueous dilutent, desirably an ethoxylated nonionic surfactant. A graft polymer is disclosed, see col. 3, lines 19-60, but the only graft polymers disclosed are of polyvinyl alcohol grafted onto a polyalkylene oxide (lines 21-24), and of polyethylene terephthalate/polyoxyethylene terephthalate (PET/POET), at lines 51-52.

A graft polymer is disclosed in Appel et al. However, the Examiner alleges that this graft polymer will somehow react with another laundry ingredient (TAED, a bleach activator, see col. 7, lines 55-58). The Examiner in her paragraph 3 statement says that, 'the TAED is attached to the polymer, because said TAED is reactive and it is present during the polymerization process. Thus the TAED will inherently create a side chain'. This is completely untrue; the Examiner is mixing up the polymer production process with the laundry detergent formulation process. The TAED is categorically not present during the polymerization process, indeed there is really no polymerization process disclosed in Appel et al., aside from the background of the graft polymers of col. 3, line 19-60. Appel et al. only really discloses taking the polymer (which we must assume is supplied) and making a pre-mix with a nonionic surfactant, then formulating this premix with other laundry ingredients. The TAED is however, present during the formulation of the laundry detergent, see col. 8, lines 5 onwards. There is no evidence in the disclosure of Appel et al. that TAED would attach to the polymer, and certainly no evidence that it would graft onto the polymer of its own accord.

In any event, the amended claim 1 is novel over the disclosure of Appel et al. This prior art document does not disclose a graft copolymer according to amended claim 1 because there is no disclosure of a graft copolymer in Appel that fulfils the requirement of part (c) of claim 1, that is an ethylenically unsaturated monomer containing a nitrogen atom. There is in fact no disclosure in Appel et al. of any graft copolymer made of more than two monomer components. Even if the Examiner maintains the incorrect view that tetraacetyl-ethylenediamine (TAED), which is disclosed as a component in the laundry formulation but not as a component of the graft polymer will be inherently 'attached' to the polymer during the formulation process, TAED is not ethylenically unsaturated and so falls outside the scope of part (c) of amended claim 1. To clarify to the Examiner, 'ethylenically unsaturated' means that there is at least one double carbon-carbon bond present in the monomer molecule, TAED does not have such a function. For at least this reason, amended claim 1 is novel over Appel.

Claims 9-13, 15-16 and 18-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Appel et al., U.S. 6,025,320 as applied to claims 1-3, 7-8, 14 and 17 above, and further in view of Ruppert et al., U.S. Patent 4,579,681.

As discussed above, it is a fair description of Appel et al to state that it discloses only a graft copolymer with two components (see col. 3, lines 21-24, and 51-52). It does not disclose a graft copolymer with three parts (parts a, b, and c of applicant's claim 1). Moreover, it does not disclose a graft copolymer with three parts, one of which is an ethylenically unsaturated monomer containing an aliphatic or aromatic moiety which contains a tertiary or quaternary nitrogen atom. Appel et al., makes no disclosure nor gives any hint that the cationic nature of the side chains of part (c) of the graft copolymer would improve the soil release properties of the graft copolymer by allowing the polymer to bind to the cotton surface.

The Examiner relies on Ruppert et al., to teach to the one of ordinary skilled in the art the differences between the disclosure of Appel et al., and the subject matter of the claimed invention. As such, it is important to define what Ruppert et al., actually discloses and teaches. Ruppert et al., disclose laundry detergent

compositions having a reduced soil-redeposition effect and enhanced oleo release properties (col. 1, lines 55-59). Said detergent compositions comprise a polymer of N-vinylcaprolactam (VCL) (an essential part), N-vinylpyrrolidone (VP) and optionally dimethylaminoethyl methacrylate (DMAEMA).

Although DMAEMA can fulfil the requirement of part (c) of current amended claim 1, and the N-vinylpyrrolidone may be read as hydrophilic monomer (part (b)), it is important to note that N-vinylcaprolactam cannot be read as the backbone part (a) of our claim. This is because part (a) of amended claim 1 requires backbone units derived from an ethylenically unsaturated carboxylate monomer, and N-vinylcaprolactam does not fall within this description (it is an amide ring, and there are no carboxylate groups present).

When one of ordinary skill in the art looks to combine the teachings of documents, they must look at the whole of the teaching of the documents, and not 'cherry pick' certain parts of the teaching of one document when they run contrary to teachings of the second document. To expect one of ordinary skill in the art to pick out the DMAEMA part of Ruppert et al., and apply it to Appel et al., is unlikely. The main teaching of Ruppert et al., is towards the importance of the VCL part of the polymer, and the DMAEMA part of the polymer is given no explanation in Ruppert et al., i.e., there is no teaching as to the importance of this part of the polymer. If the one of ordinary skilled in the art was to take any teaching from Ruppert et al., and apply it to other documents, it would be the VCL part of the polymer. Indeed, this is taught as the important part, see col. 2, lines 57-63 of Ruppert et al. This gives strong motivation for one of ordinary skill in the art not to formulate away from the VCL polymer backbone when wanting to produce other such polymers.

There is certainly no motivation to change the backbone polymer away from VCL, nor is there any motivation from Ruppert et al., to apply the DMAEMA to the teachings of Appel et al, as there is no hint of the importance of DMAEMA in Ruppert et al., not is it taught to be used without the presence of VCL in Ruppert et al. To cherry pick and arrive at a combination falling within the scope of the current amended claim would be highly unlikely for one of ordinary skill in the art without the

benefit of hindsight and moreover would go against the teachings of the Ruppert document.

For at least the reasons highlighted above, claim 1 as amended is inventive over the cited art, either alone, or in combination.

In light of the above amendments and remarks, it is respectfully requested that the application be allowed to issue.

If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

Respectfully submitted,



Rimma Mitelman
Registration No. 34,396
Attorney for Applicant(s)

RM/sa
(201) 894-2671